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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,328	11/30/1999	SWAIN W. PORTER	003646.P009	1160

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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITES 1600-1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER
FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/452,328	PORTER, SWAIN W.
	Examiner	Art Unit	
	Kimberly D Flynn	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 March 2004</u>.

2a)☒ This action is **FINAL.**　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

1.   This action is in response to an Amendment filed March 1, 2004. Claims 1-42 are

presented for further consideration.

Claim Rejections – 35 U.S.C. 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the
> United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by
> another filed in the United States before the invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
> application filed in the United States only if the international application designated the United States and was
> published under Article 21(2) of such treaty in the English language.

3.   Claims 1, 2, 6-10, and 11 18, 21-22, 25-27, 30-32, 35-37, 39-41 are rejected under 35

U.S.C. 102(e) as being anticipated by Niemi (6,415,294 hereinafter Niemi).

In considering claim 1, 7-10, 18, 21, 25-26, and 30-31, Niemi discloses an automated

method for assisting a user of the client system in retrieving and browsing information, the

method comprising:

retrieving and displaying on a display of the client system for browsing, a first

information page having first contents, responsive to user direction (see col. 4, lines 2-

16); and

automatically assembling and augmenting the first information page being

browsed with one or more information source identifiers directly identifying one or more

information pages with second contents that may be additionally retrieved, based at least

in part on a portion of the content of said first information page, the second contents

directly augmenting the first content (see col. 1, lines 45-56; col. 5, lines 8-17; and col. 6, lines 33-40, see also fig. 2).

In considering claim 2, Niemi discloses a method wherein the method further comprises performing on said client system in real time, on retrieval of the first information page, analysis of the first information page to determine the portion of the content of said first information page on which said automatic assembling and augmenting is based (keyword phrases) (see col. 5, lines 8-17).

In considering claims 6, 22, 27 and 32, Niemi discloses a method further comprises dynamically determining related second keywords of the presence if first keywords; and the providing of information source identifies to the client system is made based at least in part on the dynamically determined related second keywords (col. 4, lines 43-60 and col. 5, lines 2-17) .

In considering claim 11, Niemi discloses a method wherein said first information page is an information page constituted using some type of mark-up language (col. 3, lines 52-57).

In considering claim 35, Niemi discloses a client system comprising:

a display (see fig. 1 (6, display)); and

a browser (see fig. 1 (5, browser)) to facilitate augmented viewing of a first information page having first contents, including and analyzer equipped to dynamically and automatically assemble a plurality of information source identifiers directly identifying a plurality of information pages with second contents that may be additionally retrieved, based at least in part on a portion of the first retrieved information page, the second contents directly augmenting said first contents (col. 5, lines 8-17; and col. 6, lines 33-40, see also fig. 2).

In considering claim 36 and 41 Niemi discloses wherein the programming instruction implement a lexical analyzer to facilitate determination in real time unique nouns in the first retrieved information page being browsed (fig. 1 (13, text analyzer function) see also col. col. 5, lines 2-10).

In considering claim 37 and 39, Niemi discloses a server system comprising:

a network interface to couple the server system to a network (see. fig. 1 (2, modem));

programming instructions and an information source database (12, database) having a first plurality of keywords and a plurality of associated information source identifiers of the keywords, directly identifying a plurality of information pages with first contents that may be additionally retrieved, to facilitate automatic augmented provision of dynamically assembled information source identifiers by a browser of a coupled client system, based at least in part on a portion content of a first information page with second content retrieved from a third party location for browsing on the client system, the first contents directly augmenting the second contents (col. 4, lines 20-23, and lines 54-57).

In considering claim 40, Niemi discloses the server system further comprises a keyword database, having a second plurality of keywords and the first plurality of keywords, the first and second keywords of presence ones of first keywords in the first retrieved information page (col. 4, lines 20-23, and lines 54-57).

Claim Rejections – 35 U.S.C. 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 3-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in

view of Rubinstein et al. (5,913,215 hereinafter Rubinstein).

In considering claim 3, Niemi discloses a method wherein said analysis comprises

performing on said client system in real time, on retrieval of the first information page, scanning

of said first information page for unique words presence, accessing a current table of keywords

to determine if any of the unique words are to be considered as keywords (col. 5, lines 2-17).

Although Niemi et al. shows substantial features of the claimed invention, he fails to

disclose outputting the unique nouns so should be considered as the presence ones of first

keyword. Nonetheless, Rubinstein, whose invention is a system for browsing by prompted

keyword phrases, discloses such an outputting of the unique nouns that should be considered as

the presence ones of first keywords (see col. 16, lines 18-23). Therefore, given the teachings of

Rubinstein, it would have been obvious for a person having ordinary skills in the art to modify

Niemi to include the step of outputting of the unique nouns that should be considered as the

presence ones of first keywords so that the user may use the keywords to construct a query

expression in which one of the keywords is an operand, thus allowing the user to perform a more

rapid and comprehensive search.

In considering claim 4, Rubinstein further discloses a method wherein the method further

comprises designating to a browser of the client system a first of a plurality of tables of

keywords as the current table of keywords (see col. 12, lines 51-54; Fig. 11, Phrases View

Window 1105; Fig. 12, Words View Window 1200).

In considering claim 5, Rubinstein further discloses a method wherein the method further

comprises loading/downloading said plurality of tables of keywords onto the client system (see

col. 16, lines 9-13; Fig. 11, Phrases View Window 1105).

6.   Claims 12-17, 19-20, 23-24, 28-29, 33-34, 38, and 42 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Niemi in view of Finseth et al (6,271,840 hereinafter Finseth).

In considering claim 12, Niemi discloses a method wherein the method further comprises

displaying on said display a selected one of a second information page corresponding to a first of

the additional information pages (see Fig. 13, Links View Window).

Although Niemi et al. shows substantial features of the claimed invention, he fails to

disclose displaying a thumbnail of the second information page. However, Finseth, whose

invention is a method for providing graphical outputs from search engine results, discloses such

a thumbnail of a retrieved information page (see Fig. 7, Rendered Images 142; col. 5, lines 43-

52). Therefore, given the teachings of Finseth, it would have been obvious for a person having

ordinary skills in the art to modify Niemi et al. by displaying a thumbnail of the second

information page in order to view a physical image of the information page.

In considering claims 13 and 16, Finseth further discloses a method wherein said

displaying of a thumbnail comprises performing on said client system in real time, on retrieval of

the first information page, a selected one of (a) retrieving said thumbnail and (b) retrieving said

second information page and dithering said retrieved second information page to form said

thumbnail (see Fig. 7, Rendered Images 142; col. 5, lines 43-52).

In considering claims 14 and 17, Finseth further discloses a method wherein said

displaying of a thumbnail is made responsive to proximate placement of a cursor next to a first

information source identifier corresponding to said second information page (see col. 8, lines 45-

55).

In considering claim 15, Niemi et al. discloses an automated method for assisting a user

of the client system to retrieve and browse information, the method comprising:

> retrieving and displaying on a display of the client system for browsing, a first

information page having content, responsive to user direction (see col. 4, lines 2-16).

> performing on said client system in real time, on retrieval of the first information

page, analysis of the first information page to determine presence ones of first keywords

in at least a portion of the content of said first information page, and second keywords

related to the presence of one of first keywords;

> automatically assembling and augmenting the first information page being

browsed with one or more information source identifiers identifying one or more

information pages that may be additionally retrieved, based at least in part on the

automatically determined presence ones of first keywords in said portion of the content of

said first information page, and said second keywords (see col. 1, lines 45-56; col. 5, lines

8-17; and col. 6, lines 33-40, see also fig. 2); and

> Additionally, Finseth discloses presenting on the display, responsive to a user

event, a thumbnail of a second information page corresponding to a first of the identified

information pages (see Fig. 7, Rendered Images 142; col. 5, lines 43-52).

In considering claims 23, 28, and 33, Finseth further discloses a method wherein the

method further comprises providing to said client system a thumb nail of a second information

page corresponding to a first of said information source identifiers (see Fig. 7, Rendered Images

142; col. 5, lines 43-52).

In considering claims 24, 29, and 34, Finseth discloses a method wherein the method

further comprises retrieving an information page and dithering the information page to form said

thumbnail (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 43-52).

In considering claim 19, Finseth discloses a method wherein the method further

comprises providing to said client system thumbnail of a second information page corresponding

to a first of said information source identifiers (see Fig. 7, Rendered Images 142; col. 5, lines 43-

52).

In considering claim 20, Finseth discloses a method wherein the method further

comprises retrieving an information page and dithering the information page to form said

thumbnail (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 43-52).

In considering claims 38 and 42, Finseth discloses wherein the programming instruction

implement a dithering module to dither a second information page retrieved to augment the first

retrieved information page, to generate a thumbnail of the second retrieved information page (see

Fig. 1, Web Page Renderer Process 52; col. 5, lines 44-51).

Response to Arguments

7.   Applicant's arguments filed March 1, 2004 have been fully considered but they are not

persuasive.

- o   Applicant contends that Niemi merely teaches the automatic augmentation of a

    retrieved information page with queries containing identified keywords as query

    parameters. Examiner disagrees.

- o   Applicant argues that assuming that the display of a selected linked page in the

    answer set of a user selected query may be read as having "contents that directly

    augment the contents of the original page", the links to these pages are not

    automatically provided. Applicant further argues that the answer page containing

    these links is provided only upon selection of the query by a user. Examiner

    disagrees. At col. 6, lines 33-40, Niemi discloses wherein after the modification

    of the HTML code on-the-fly, the Web page is returned from the memory block

    to the Web browser with the added hyper-links as shown underlined in figure 2.

    Niemi clearly discloses wherein the Web page is returned after the modification

    and not only upon selection of the query by a user as asserted by the Applicant.

    Accordingly the Examiner maintains that Niemi anticipates the claimed

    limitations.

- o   Applicant further contends that the queries that can result in the answer page are

    not "information source identifiers directly identifying additional information

    pages with second contents that may be additionally retrieved" where "the second

    contents directly augment the original content". Examiner disagrees. At col. 5.

lines 8-15, Niemi discloses wherein the text analysis function scans the text

contained in the downloaded Web page to identify keywords present therein and

when a keyword is identified the function modifies the HTML code held in the

buffer to introduce hyper-link associated with that keyword (information source

identifier as claimed by the Applicant) to enable the user to link to other

documents. Therefore, the second content (hyper-links) directly augments the

original content (keywords). Accordingly the Examiner maintains that Niemi

anticipates the claimed limitations.

o   Applicant argues that Niemi's method is practiced entirely on a client system,

without involving the assistance of a server system. While Niemi's preferred

embodiment is indeed carried out on a client system, Niemi also discloses

wherein the process may be extended to provide a hierarchy of "knowledge

servers" forming a chain between the WWW and the end user interface.

Accordingly the Examiner maintains the rejection of claims 1, 2, 6-11, 18, 21-22,

25-27, 30-32, 35-37, and 39-41 as being anticipated by Niemi.

o   Applicant's arguments regarding the 103 rejections of record have been carefully

considered but are not persuasive. Examiner maintains the previous rejections

still of record and believes that the cited references read on the claimed

limitations.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609.

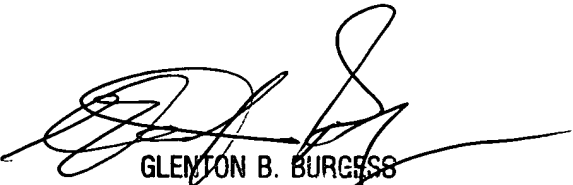The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly D Flynn
Examiner
Art Unit 2153

KDF

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100